

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD,)	C.A. NO. 04-11193NG
Plaintiff)	
)	
v)	
)	
TIMOTHY CALLAHAN, ET AL.)	
Defendant(s))	
)	

MOTION TO STRIKE

Now comes the Plaintiff and moves this Court to strike Defendant Richard Walsh's Motion to Strike Plaintiff's Exhibits, Defendant Richard Walsh' Motion to Strike Plaintiff's Response to Consolidate Statements, Defendant Timothy Callahan's Motion to Strike Plaintiff's Exhibits, and Defendant Timothy Callahan's Motion to Strike Responses.

In support thereof, Plaintiff says the Motions are, in fact, contentious and argumentative reply briefs to the Defendants' Motion for Summary Judgment. The Motions are filed in violation of local rule 7.1 (b)(3) which provides that "all other papers (in addition to a motion and opposition to a motion) whether in the form of a reply brief or otherwise, may be submitted only with leave of court". The Defendants have, in fact, filed sixty pages of reply briefs a week before the Court has scheduled argument.

It should be noted that these pleadings are consistent with Defendant's practice throughout these proceedings to have an almost a manic and obsessive necessity to have the "last word" in filing with this Court.

A brief review of the filings show that they are simply a repetition, in a less professional and more hysterical form, of the arguments set out in the original voluminous pleadings. The arguments and memorandums are, by and large, not arguments which go towards the admissibility of evidence in connection with Summary Judgment but are rather argumentative rehashing of the evidence. The arguments do not refute the fact that there is a material issue of fact, rather they establish why there is a material issue of fact.

Wherefore, the Plaintiff moves this court to strike the motions and memorandums. If the Court wishes to consider the motions and memorandums, the Plaintiff moves this court to allow one week after oral argument on January 4, 2008 to file responses to the motions.

Respectfully submitted,

By His Attorney,

/s/ Michael Reilly

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